REMARKS

Applicants appreciate the Examiner's attention to the above referenced application. Reconsideration of the application is respectfully requested. Claims 71-95 are now pending.

Claims 71, 87, and 92 are amended. No new matter is believed to be added. Support for amendments to claims 71, 87, and 92 can be found for example at page 10, lines 12-14.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a Form 1449 on January 19, 2010. Applicant respectfully requests that initialed copies of the Form 1449 be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

35 USC § 101 Rejection of the Claims

Claims 87-91 were rejected under 35 USC § 101 because the claimed invention was indicated to be directed to non-statutory subject matter. Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

Claim 87 is amended to recite, in pertinent part, "A <u>tangible</u> machine-readable <u>storage</u> medium having stored thereon data representing sequences of instructions." (Emphasis added.) Amendment to claim 87 preclude transitory embodiments. Accordingly, amendments to claim 87 overcome the rejection under 35 USC § 101. In addition, dependent claims 88-91 overcome the rejection under 35 USC § 101 for at least the same reasons as pertain to claim 87.

35 USC § 103 Rejection of the Claims

Claims 71-75, 77-78, 81-85, and 87-95

Claims 71-75, 77-78, 81-85 and 87-95 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) in view of Leftwich (U.S. Patent No. 7,543,321). Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

As amended, Claim 71 recites, in pertinent part:

the programming guide server generating a second list of broadcasts by excluding broadcasts from the list . . . the programming guide server excluding broadcasts based in part on the hardware or software capabilities of the entertainment system. (Emphasis added.)

The Examiner relied on Leftwich in rejecting the cited part of claim 71 prior to its amendment. (Office Action 3-4.) Leftwich teaches a filtering program to exclude certain broadcasts. (Col 3, ll. 62-63 and col. 4, ll. 13-20.) In particular, Leftwich teaches filtering content based on whether the viewer is permitted to view the content. By contrast, claim 71 is directed to filtering content based in part on the hardware or software capabilities of the entertainment system. Accordingly, claim 71, as amended overcomes the rejection of claim 71. Allowance of claim 71 is respectfully requested.

Claims 72-75, 77, 78, and 81-85 depend directly or indirectly from claim 71 and overcome the rejection for similar reasons as pertain to claim 71.

Claim 87 is amended to recite:

generating a second list of broadcasts by excluding broadcasts from the list . . . wherein the excluding broadcasts is based in part on the hardware or software capabilities of the entertainment system.

Claim 87 overcomes its rejection for similar reasons as pertain to claim 71. Claims 88-91 depend directly or indirectly from claim 87 and overcome the rejection for similar reasons as pertain to claim 87.

Claim 92 is amended to recite:

generate a second list of broadcasts by excluding broadcasts from the list . . . excluding broadcasts is based in part on the hardware or software capabilities of the entertainment system.

Claim 92 overcomes its rejection for similar reasons as pertain to claim 71. Claims 93-95 depend directly or indirectly from claim 92 and overcome the rejection for similar reasons as pertain to claim 92.

Claims 79-80 and 86

Claims 79-80 and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) in view of Leftwich (U.S. Patent No. 7,543,321) and in further view of Herz et al. (U.S. Patent No. 5,758,257).

Claims 79-80 and 86 depend from claim 71. The Examiner does not rely on Herz in rejecting the cited portion of claim 71. Accordingly, dependent claims 79-80 and 86 overcome the rejection for at least the same reasons as pertain to claim 71.

Claim 76

Claim 76 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) in view of Leftwich (U.S. Patent No. 7,543,321) and in further view of Williams et al. (International Publication No. 1997/047135).

Claim 76 depends from claim 71. The Examiner does not rely on Williams in rejecting the cited portion of claim 71. Accordingly, dependent claim 76 overcomes the rejection for at least the same reasons as pertain to claim 71.

CONCLUSION

Applicants respectfully request reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at **(703)-633-6873**. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

Customer Number - 59796

Dated: July 27, 2010   /Glen B Choi/
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